

REMARKS/ARGUMENTS

The Applicants appreciate the Examiner's thorough examination of the subject application. Applicants request reconsideration of the subject application based on the remarks which follow.

Claims 1-6 and 8-19 are pending in the application. Claim 7 has been cancelled by the instant amendment. Claims 1, 6, 9 and 10 have been amended. New claims 11-19 have been introduced. Support for the amendments to claims 1, 6, and 9 can be found in the originally presented claims and in the specification at page 4, line 15 and at page 33, lines 8-12. Support for new claims 11-19 can be found throughout the original specification. No new matter has been added. Should the Examiner have any questions, please contact the undersigned attorney.

Claim 10 stands rejected under 35 U.S.C. § 112, first paragraph, allegedly because the specification, while being enabling for treating disorders or diseases mediated by lymphocytes, or treating acute or chronic transplant rejection or T-cell mediated inflammatory or autoimmune diseases, does not reasonable provide enablement for the *prevention* of disorders or diseases mediated by lymphocytes, or *preventing* acute or chronic transplant rejection or T-cell mediated inflammatory or autoimmune diseases.

Claim 10, as amended, is directed to methods of treating disorders or diseases mediated by lymphocytes, or treating acute or chronic transplant rejection or T-cell mediated inflammatory or autoimmune diseases. Thus the rejection is now moot. Applicants reserve the right to pursue claims directed to preventing disorders or diseases mediated by lymphocytes, or preventing acute or chronic transplant rejection or T-cell mediated inflammatory or autoimmune diseases in one or more continuation applications.

Claims 1, 6, and 9 stand rejected under 35 U.S.C. §112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The amendments to the claims 1 6, and 9 obviate the §112, second paragraph rejections. More particularly, claims 1 and 6 have been amended to replace the original Greek characters present in the claims filed with the application. The text from page 4, line 15 of the specification has been incorporated into claim 6. Claim 9 has been amended to more particularly define the term "co-agent" consistent with the specification.

Claims 1-10, in so far as they read on the species defined above, are rejected under 35 U.S.C. §102(b) as being clearly anticipated by WO 9408943 (Caplus Abstract), which allegedly teaches applicant's compound RN=162360-68-1.

Claim 1, as amended, provides compounds in which R_1 is C_{1-6} alkyl, C_{1-2} alkoxy or 1 to 6 fluorine atoms; C_{2-6} alkenyl; or C_{2-6} alkynyl. Thus, claim 1 does not encompass compounds having a 2-amino-1,3-propanediol residue. Claim 1 is therefore not anticipated by WO 9408943.


New claim 11, provides compounds in which R_2' is not a mono-fluoro substituted alkyl, alkoxy or alkanoyl residue. Thus, compounds of claim 11 are also not anticipated by WO 9408943.

Thus, claims 1 and 11 are patentable over WO 9408943. Claims 2-6, 8-10 and 12-19 depend from one of claims 1 or 11 and are therefore also patentable over WO 9408943.

This case is believed to be in condition for immediate allowance. Applicant respectfully requests early consideration and allowance of the subject application.

Respectfully submitted,

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